

The Honorable Richard A. Jones

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

MICHAEL J. FLYNN; and DENNIS LEE MONTGOMERY and BRENDA KATHLEEN MONTGOMERY, husband and wife,

Plaintiffs,

V.

NV MORTGAGE INC. d/b/a Soma Financial
d/b/a www.mysoma.com;
COUNTRYWIDE FINANCIAL
CORPORATION;
COUNTRYWIDE HOME LOANS, INC.;
COUNTRYWIDE BANK, FSB;
BANK OF AMERICA, N.A., successor to the
COUNTRYWIDE DEFENDANTS;
BAC HOME LOANS SERVICING, LP,
successor to the **COUNTRYWIDE**
DEFENDANTS;
BANK OF AMERICA CORPORATION,
successor to the **COUNTRYWIDE**
DEFENDANTS; and
DOES 1-50, Defendants.

Case No. 2:13-cv-00360-RAJ

**[PROPOSED] ORDER RE UNOPPOSED
MOTION TO APPROVE VOLUNTARY
DISMISSAL**

This matter has come before the Court on the Plaintiffs' Unopposed Motion to Approve Voluntary Dismissal ("Motion"). The lack of an opposition constitutes an admission that the motion has merit. *See Local Civ. R. 7(b)(2)* ("[I]f a party fails to file papers in opposition to a

1 motion, such failure may be considered by the court as an admission that the motion has
2 merit.”).

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4 The Court, having reviewed the Motion hereby finds:

5 1. That the Court deems it is proper to GRANT the Motion and afford the relief that
6 the Parties request in the Motion.

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8 The Court ORDERS as follows:

9 2. This action be dismissed with prejudice as to all parties;
10 3. Each party is to bear his/her/its own cost of suit;
11 4. Dennis and Brenda Montgomery (the Montgomerys) and all other occupants are
ordered to vacate the Property¹ by noon on April 1, 2015;

12 5. If the Montgomerys and all other occupants have not vacated the Property by
13 12:01 p.m. on April 1, 2015, Defendant Bank of America or its assignee or appointee is entitled
14 to possession of the Property;

15 6. The Clerk of the Court may issue a writ of assistance, without further notice,
16 pursuant to Rule 70 of the Federal Rules of Civil Procedure upon request of Michael J. Flynn or
17 the Defendants to compel delivery of possession of the Property to the Defendants or their
18 assignees or apppointees, which writ is to be executed upon if the Montgomerys have not
19 vacated the Property by 12:01 p.m. on April 1, 2015, (Michael J. Flynn or the Defendants may
20 apply for the writ of assistance prior to April 1, 2015);

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22 DATED this 17th day of February, 2015.

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28 The Honorable Richard A. Jones
United States District Judge

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ORDER RE: MOTION TO APPROVE VOLUNTARY DISMISSAL
(Case No. 2:13-cv-00360-RAJ) – Page 3

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